

C117

MAY 13 1983

CERTIFIED MAIL

Mr. Ira S. Nordlicht
Holtzmann, Wise & Shepard
Counsellors at Law
745 Fifth Avenue
New York, New York 10151

Syntex Verona
MOD007459154
11.6
Syntex
5-13-83



40034679
SUPERFUND RECORDS

Dear Mr. Nordlicht:

On February 25, 1981 and April 22, 1981, you provided information concerning the trenches on the Syntex Agribusiness, Inc., Verona Plant (attached).

The Environmental Protection Agency (EPA) has received a request for the public release of this information pursuant to the Freedom of Information Act. In accordance with EPA regulations, 40 C.F.R. §2.204, EPA must now determine if this information is "confidential business information" and therefore exempt from the disclosure provisions of the Freedom of Information Act. To support your claim of confidentiality, you are invited to comment on the following points:

1. The portions of the information which are entitled to confidential treatment;
2. The period of time for which you are requesting confidentiality for the information involved;
3. The purpose for which the information was furnished to EPA and the approximate date of submission of the information to EPA;
4. Whether a business confidentiality claim accompanied the information when it was received by EPA;
5. The measures taken by your business to guard against undesired disclosure of the information to others;
6. The extent to which the information in question has been disclosed to others, and the precautions taken by your business in this regard;
7. Whether there has been a confidentiality determination by EPA or other federal agencies. If so, we request that you send a copy of such determination or make reference to it, if the document is available:

ARWM:WMBR:SPFD:SRITCHFY:dh:x6864:5/11/83:Disk A73

SPFD
RITCHIEY

SPFD
BIGGS

WMBR
MORRY

CNSL
WERHOLTZ

5/13/83

5/13/83

5/13

GBW
5/13/83

107/

7054920

8. If you assert that disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, please state what those harmful effects would be, why these effects should be viewed as substantial, and explain the casual relationship between disclosure and the harmful effects.
9. Whether you are asserting that the information is voluntarily submitted information as defined in 40 C.F.R. §2.201(1) (i.e., information in EPA's possession, the submission of which EPA had no statutory or contractual authority to require), and if so, whether any disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

Your comments should be mailed to the undersigned, Office of Regional Counsel, at the above address. Comments must reach EPA within 15 working days from receipt of this letter. The regulation at 40 C.F.R. §2.205(b) requires you to furnish comments in a manner reasonably calculated to result in receipt by EPA no later than the time specified above. The comment period may be extended, if before the comments are due, a request for an extension of the comment period is made by your business and approved by this office. In the absence of extraordinary circumstances, this office will not approve the request for an extension without the consent of any person whose request for the release of the information under 5 U.S.C. §552 (Freedom of Information Act) is pending.

Failure to furnish timely comments shall be construed as a waiver of your claim of confidentiality.

You may assert a business confidentiality claim covering part or all of information you furnish pursuant to this letter. Such claim shall be made in a manner prescribed by 40 C.F.R. §203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means set forth in 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The regulations covering confidentiality of business information are found at 40 C.F.R. Part 2 which was first published in 40 Federal Register 36902, September 1, 1976, and amended at 43 FR 40000, September 8, 1978.

Please note 40 C.F.R. §2.205(c) which specifies how comments to this letter shall be handled.

Sincerely yours,

Jane B. Werholtz
Office of Regional Counsel

Enclosures

cc: David Freeman

P 400 847 311

RECEIPT FOR CERTIFIED MAIL

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See Reverse)

Sent to

Street and No.

P.O., State and ZIP Code

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

**Return Receipt Showing
to whom and Date Delivered**

**Return Receipt Showing to whom,
Date, and Address of Delivery**

TOTAL Postage and Fees

\$

Postmark or Date

MAY 13 1983

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see 311)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.